

Municipal Review Committee Meeting Minutes of March 21, 2005

Attendance:

Phil Sgamma, MRC Chairman	Paul Shear, MRC Member
Lou Depowski, MRC Member	Matt Balling, MRC Member
Rich McNamara, MRC Member	Dan Michnik, MRC Member
John Moulin, MRC Member	Scott Bylewski, Town Board Liaison
Jim Callahan	Jim Hartz
Jeff Grenzebach, Planning Board Liaison	Kathy DeRose
Dave DeRose	

Minutes of the February 28, 2005 Meeting

ACTION: Motion by Paul Shear, seconded by John Moulin, that the board accept the minutes as official.

VOTING: All Ayes. MOTION PASSED

Old Business

Agenda Item I – Walgreen's Pharmacy, 6785 Transit Road
15,000 square foot building on 3.3 acres of land.

There was a handbook distributed regarding the Walgreen's Pharmacy project. The department is still awaiting information on the wetland and archeological investigations. Matt Balling said that it would be good for the board to take a look at areas like Clarence Center or Clarence Hollow to get an idea of the architectural design of a traditional neighborhood. One thing that the board should be discouraging, when we are trying to mimic the character of the hamlets, is exactly what Walgreen's Pharmacy is proposing to do. They have a six-foot high bulkhead all along the front of their building that makes it impossible for a pedestrian to see what is in the store. Most all the buildings in the Hollow do have windows that are designed for pedestrians.

Paul Shear said that they (Walgreen's) would probably take issue with the loss of wall space. Matt said that these types of buildings have a cumulative impact on the community that creates undesirable places to be and invest in. They are designed for thirty years and we have several around here that are fifty to sixty years old and vacant.

Phil Sgamma asked parking could be allowed along County Road. Jim Callahan said that it is a corner lot and that creates two front yards, so no parking can be allowed in front of the building façade. Jim Callahan also said that the applicant's have expressed an interest in applying for a zoning variance to seek relief from the parking requirements. Phil Sgamma asked if the ZBA could issue a variance in contravention of the master plan. Jim Callahan said that they can under Town Law, it would be an area variance.

Matt Balling said that even though the Board of Appeals may grant an area variance, it still does not mean that the project would get approved. Scott Bylewski, said that (the Town Board may deny the application) as long as the disapproval is based on other conditions.

Phil Sgamma asked about the front yard setback requirement in the TND specifications. Buildings are not allowed to be built right up to the right-of-way line. Jim Hartz said that the law allows for encroachments up to the right-of-way line for porches, stairs, and other things.

Agenda Item II - Subdivision Law

Jim Callahan said that he had distributed the part II & III analysis last month. Phil Sgamma said that he felt the review has been thorough. Matt Balling said that the act of adopting the Subdivision Law is administrative in nature.

ACTION: Motion by Dan Michnik, seconded by Lou Depowski, that the board recommend a negative declaration be issued by the Town Board regarding the Subdivision Law.

VOTING: All Ayes.

MOTION PASSED

Agenda Item III - Barbalato Open Development Area

Phil Sgamma said that the board is still awaiting information on the wetland and archeological conditions of the property. Jim Callahan updated the board on correspondence received from the DEC do require the archeological investigations as requested by the board at their last meeting. Matt Balling said that it is obvious after reviewing aerial photographs of the adjoining property that a developer can cross the gas easement with a roadway, so that it is not necessary to construct two cul-de-sacs.

Phil Sgamma asked if the roads are private. Jim Callahan said that the developer is proposing private drives. The initial wetland report showed some additional area of wetland that may affect the conceptual design of the second Open Development Area.

Agenda Item IV – 7980 Northfield Road Demolition Permit

It was reported that the board has not received any information from the Historical Society on this property. The members have looked at the property and believe that the demolition will not have a significant effect on cultural resources and the environment.

ACTION: Motion by Paul Shear, seconded by Matt Balling, that the board recommend that the Town Board issue a negative declaration on the proposed demolition permit after reviewing the physical condition of the property and historical references.

VOTING: All Ayes.

MOTION PASSED

There was some discussion regarding property owner notification on demolition permits for properties that date earlier than 1950 in the future.

New Business

Agenda Item I – DeRose Open Development Area

Jim Callahan updated the board on the application for a four-lot open development area off of Kraus Road. Kathy and Dave DeRose were present to describe their project. They are splitting their largest lot into four separate lots under the Open Development Provisions. They only have one interested buyer for one of the lots at the current time. They would like to be able to continue developing their property in the same manner they began in 1996.

Paul Shear asked if they live nearby. They said that they live in one of the homes nearby and run the barn. Phil Sgamma asked if those existing lots could ever be subdivided further. Kathy DeRose said that they have association bylaws that would not allow any further splitting. Kathy said that they have the option to do a higher density development, but chose to do a lower-density open development area. It was stated that after the next four lots are subdivided, there would be no opportunity for further subdivisions.

Paul Shear asked who owned the barn. Kathy said that they own it but would have the option of selling it in the future.

Matt Balling questioned the length of the private drive and is concerned about providing access for emergency vehicles to all the homes. Kathy DeRose said that there is a hydrant located at the end of the cul-de-sac now and they are not proposing to extend the private drive any further. Each home will have a private drive off the existing 20' wide drive. Kathy explained some problems they have with people coming onto the private drive. The gate was installed to keep these incidents to a minimum.

Paul Shear questioned whether an archeological study should be performed. Dave DeRose said that the land had been farmed for years and that the soils have been previously disturbed.

ACTION: Motion by Dan Michnik, seconded by Matt Balling, that the board recommend that the Town Board seek Lead Agency status and begin the 30-day comment period.

VOTING: All Ayes.

MOTION PASSED

Agenda Item II - Krislyn, Co. LLC – 6215 Transit Road

Jim Callahan introduced the project to the board. The Planning Board has not officially referred the project to the board. However, there are several environmental concerns with the project site and it will eventually be here for review. The board could recommend that the Town Board solicit Lead Agency status and seek comments from involved agencies.

ACTION: Motion by Lou Depowski, seconded by John Moulin, that the board recommend that the Town Board seek Lead Agency status and begin the thirty-day comment period.

VOTING: All Ayes.

MOTION PASSED

Agenda Item III - People, Inc. Oak Housing Senior Apartments

Phil Sgamma said that this project is a Type I Action under the revised listing that the Town Board adopted last year. The previous projects submitted have not materialized, and the new projects will require another review. Jim Callahan said that the applicant's have applied to the Zoning Board of Appeals for area variances on the density and size of the units.

Matt Balling said that this location is perfect for a senior apartment project because of the proximity to other services. Phil Sgamma said that there are other developments on Transit Road called Montgomery Park and another on Clarence Center Road that are housing senior projects.

ACTION: Motion by Dan Michnik, seconded by John Moulin, that the board recommend that the Town Board seek Lead Agency status and begin the minimum thirty-day comment period for agency review and comment.

VOTING: All Ayes.

MOTION PASSED

Meeting adjourned at 8:05 p.m.